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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/120,969	04/11/2002	Eric Bright	BV-3905/BV-4032	1827

7590 02/11/2003

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FEB 19 2003

SLB, DB, VRU, MWP, MWC, ORL, AHP
I.P. LAW DEPT.

EXAMINER

SHAKERI, HADI

ART UNIT

PAPER NUMBER

3723

DATE MAILED: 02/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

COPY

FILED 2/19/03
REED
BY CAC
2-19-03 DATE

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Office Action Summary

O P E
MAY 09 2005
P A T E N T & T R A D E M A R K O F F I C E
U. S. P A T E N T & T R A D E M A R K O F F I C E

Application No.

10/120,969

Applicant(s)

BRIGHT ET AL.

Examiner

Hadi Shakeri

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on ____.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-93 is/are pending in the application.

4a) Of the above claim(s) ____ is/are withdrawn from consideration.

5) Claim(s) ____ is/are allowed.

6) Claim(s) ____ is/are rejected.

7) Claim(s) ____ is/are objected to.

8) Claim(s) 1-93 are subject to restriction and/or election requirement.

C O P Y

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on ____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. ____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.

4) Interview Summary (PTO-413) Paper No(s) ____.

5) Notice of Informal Patent Application (PTO-152)

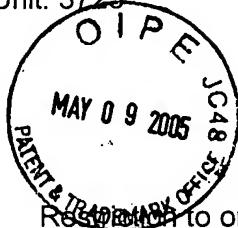
6) Other: ____.

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DETAILED ACTION

Election/Restrictions

1. ~~Restriction~~ to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-49, 68 and 69, drawn to abrasive tools and method of grinding using such tools, classified in class 451, subclass 28.
 - II. Claims 50-67 and 70-93, drawn to method of making an abrasive tool, classified in class 51, subclass 296.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process, e.g., by other process for making agglomerates, as disclosed on page 16.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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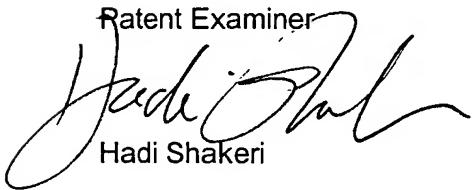
Art Unit: 3723

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is (703) 308-6279. The examiner can normally be reached on M-Thru, Fridays off.

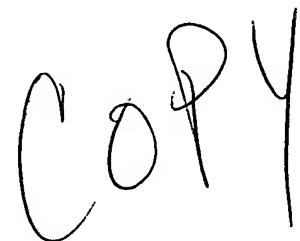
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on (703) 308-2687. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Patent Examiner


Hadi Shakeri

January 30, 2003



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 09 2005

In the application of:

Bright et al.

Serial No.: 10/668,531

Group No.: 3723

Filed: 9/23/2003

Examiner: Shakeri

for: Porous Abrasive Articles With Agglomerated Abrasives And
Method For Making The Agglomerated Abrasives

Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

PETITION AND FEE FOR EXTENSION OF TIME (37 c.f.r. 1.136(A))

1. This is a petition for an extension of the time for a total period of 3 months to

Respond to Office Action Dated November 16, 2004

(indicate matter being extended)

2. A response in connection with the matter for which this extension is requested:

is filed herewith.

has been filed.

The response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application.

3. Applicant is

a small entity. A verified statement:

is attached.

was already filed.

other than a small entity.

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: May 5, 2005

Suzanne G. Gendreau
(Typed or print name of person mailing paper)

Suzanne G. Gendreau
(Signature of person mailing paper)

05/10/2005 FMETEK11 00000015 141400 10668531

01 FC:1253 1020.00 DA

4. Calculation of extension fee (37 C.F.R. 1.17(1)-(4)):

Extension (months)	Fee for other than small entity	Fee for small entity
one month	\$ 120.00	\$ 60.00
two months	\$ 450.00	\$ 225.00
X three months	\$1,020.00	\$ 510.00
four months	\$1,590.00	\$ 795.00
five months	\$2,160.00	\$1,080.00

Fee \$ 1,020.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

An extension for _____ months has already been secured. The fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request **\$1,020.00**

5. Extended period for response

Based on the extension requested in this petition (and that for which a previous petition has been filed, if any,) the extended period for response will expire on **May 16, 2005**.

6. Fee Payment

Attached is a check in the sum of \$ _____
 Charge Account _____ for any additional extension and/or fee required or credit for any excess fee paid.

Charge fee to Account 14-1400. This is a request to charge for any additional extension and/or fee required or credit for any excess fee paid.

A duplicate copy of this petition is attached.



Signature of Attorney 5-5-05

Reg. No.: 33,440

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